

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

DAVID PAUL HUGGINS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:11-cv-117 (MTT)
)	
BRIAN OWENS, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

This matter is before the Court on the Recommendation of United States Magistrate Judge Charles H. Weigle. (Doc. 40). The Magistrate Judge, having reviewed Defendants Brian Owens, James Donald, and David Frazier's Motion to Dismiss, recommends **GRANTING** the Motion. With regard to the Plaintiff's deliberate indifference to medical needs claim against Defendants Owens, Donald, and Frazier, the Recommendation concludes that the Plaintiff fails to allege facts sufficient to support the claim against those Defendants.¹ With regard to the Plaintiff's cruel and unusual punishment claim against Defendants Owen and Donald, the Recommendation concludes that the Plaintiff failed to establish that the Defendants were "deliberately indifferent to inmates' health and safety by implementing the policy of triple-bunking." (Doc. 40 at 7).

The Court granted the Plaintiff an extension of time to file an objection to the Recommendation. (Doc. 41). However, the Plaintiff failed to file an objection by the

¹ The deliberate indifference to medical needs claim is the only claim alleged against Defendant David Frazier.

extended deadline. The Court has reviewed the Recommendation, and the Recommendation is adopted and made the order of this Court. The Motion to Dismiss is **GRANTED**, and Defendants Brian Owens, James Donald, and David Frazier are **DISMISSED** as parties to this action. (Doc. 23).

SO ORDERED, this the 12th day of March, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT